

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 4
DOCKET NO.: 2007-1456-PWS-E **TCEQ ID:** RN101388544 **CASE NO.:** 34591
RESPONDENT NAME: City of Mart

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: City of Mart, 112 North Commerce Street, Mart, McLennan County

TYPE OF OPERATION: Public water supply

SMALL BUSINESS: ☐ Yes ☒ No

OTHER SIGNIFICANT MATTERS: Complaints were received on July 3, 2007, July 10, 2007, and August 8, 2007, alleging the water in the distribution system was brown and green. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: Complaints were received but the complainants have not expressed the desire to protest this action or speak at Agenda.

COMMENTS RECEIVED: The *Texas Register* comment period expired on March 31, 2008. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Mr. Epifanio Villarreal, Enforcement Division, Enforcement 2, MC R-13, (210) 403-4033; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: The Honorable Calvin Jones, Jr., Mayor, City of Mart, P.O. Box 360, Mart, Texas 76664
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: July 3, 2007, July 10, 2007, and August 8, 2007</p> <p>Date of Investigations Relating to this Case: July 10, 2007 and August 16, 2007</p> <p>Date of NOEs Relating to this Case: August 17, 2007 and September 19, 2007 (NOEs)</p> <p>Background Facts: These were routine complaint investigations.</p> <p>WATER</p> <p>1) Failure to maintain a free chlorine residual of at least 0.2 milligrams per liter ("mg/L") throughout the distribution system [30 TEX. ADMIN. CODE § 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>2) Failure to provide an intruder-resistant fence to protect the Facility's raw water pumps [30 TEX. ADMIN. CODE § 290.41(e)(5)]</p> <p>3) Failure to provide an intruder-resistant fence to protect the Facility's elevated and ground storage tanks [30 TEX. ADMIN. CODE § 290.43(e)].</p> <p>4) Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>5) Failure to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically, at the time of the investigation, there were leaks observed at the Facility's below ground storage tank's overflow, a valve at the Highway 164 site, a valve on the Lumpkin elevated storage</p>	<p>Total Assessed: \$9,877</p> <p>Total Deferred: \$1,975 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$7,902</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:</p> <p>a) Provided documentation demonstrating compliance with the disinfection residual requirement on July 11, 2007;</p> <p>b) Submitted a photo demonstrating compliance with the locked building that houses the raw water pumps, as documented on October 26, 2007;</p> <p>c) Repaired and rendered the fences at the Hawkins and Lumpkin elevated storage tank sites intruder-resistant, as documented on October 26, 2007;</p> <p>d) Began initiating a maintenance program to ensure the appearance of the Facility by clearing the overgrown vegetation from the fence at the standpipe, as documented on October 26, 2007;</p> <p>e) Submitted photos demonstrating compliance with the leaks at the surface water treatment plant's below ground storage tank's overflow, valve at the Highway 164 site, and valve on the Lumpkin's elevated storage, as documented on October 26, 2007;</p> <p>f) Submitted a photo demonstrating compliance with the vacuum breaker equipment, as documented on October 26, 2007;</p> <p>g) Posted a legible sign containing the name of the water supply and emergency telephone numbers at the raw water intake site, as documented on October 26, 2007;</p> <p>h) Submitted a photo of the hinged flap valve type on the Hawkins Street elevated tank, as documents on October 26, 2007;</p> <p>i) Submitted documentation demonstrating compliance with American National Standards Institute/National Sanitation Foundation Standard 60 for all of the chemicals used by the system and submitted the backflow prevention</p>

<p>tank, and a large leak in the bolted steel ground storage tank at the Facility [30 TEX. ADMIN. CODE §§ 290.46(m)(4) and 290.43(c)(6)].</p> <p>6) Failure to store dry chemicals off the floor in a dry room that is located above the ground and protected against flooding or wetting from floors, walls, and ceilings [30 TEX. ADMIN. CODE § 290.42(f)(1)(D)].</p> <p>7) Failure to provide vacuum breakers on each hose bibb within the Facility 30 TEX. ADMIN. CODE § 290.42(d)(2)(A)].</p> <p>8) Failure to post a legible sign that contains the name of the water supply and emergency telephone numbers where a responsible official can be contacted [30 TEX. ADMIN. CODE § 290.46(t)].</p> <p>9) Failure to design a proper roof slope on the ground storage tank in accordance with American Water Works Association ("AWWA") standards so that no water ponds at any point on the roof and the roof has a slope of less than 0.75 inches per foot [30 TEX. ADMIN. CODE § 290.43(c)].</p> <p>10) Failure to provide adequate containment facilities for all liquid chemical storage tanks [30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)].</p> <p>11) Failure to maintain the overflow on the Facility's storage tanks in strict accordance with current AWWA design standards [30 TEX. ADMIN. CODE § 290.43(c)(3)].</p> <p>12) Failure to equip each filter with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators [30 TEX. ADMIN. CODE § 290.42(d)(11)(D)(i)].</p> <p>13) Failure to provide water system records to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2)].</p> <p>14) Failure to seal the wellhead with a gasket or sealing compound to prevent the possibility of contaminating the well water [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].</p>	<p>assembly test reports, as documented on October 26, 2007; and</p> <p>j) Sealed the well head to the sealing block and sealed the cracks on the sealing block, as documented on October 26, 2007.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a) Within 10 days after the effective date of this Agreed Order, begin compiling and maintain properly completed monthly water works operation reports and maintenance records, including but not limited to: annual tank inspection forms for all water storage tanks, calibration records for flow measuring devices, and customer service agreements;</p> <p>b) Within 30 days after the effective date of this Agreed Order:</p> <p>i. Provide proper chemical storage for the calcium hypochlorite;</p> <p>ii. Provide secondary containment facilities for the liquid ammonium sulfate drums; and</p> <p>iii. Employ a water works operator who holds a minimum of a Class "C" surface water license and have the current operators take the required surface water Unit I and II courses.</p> <p>c) Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.g., and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a. and b.</p> <p>d) Within 60 days after the effective date of this Agreed Order:</p> <p>i. Provide intruder-resistant fences or lockable buildings to protect the Highway 164 ground storage tank site;</p> <p>ii. Ensure that the hinged flap valve on the bolted ground storage tank at the surface</p>
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<p>15) Failure to employ an additional water works operator for a surface water system that serves more than 1,000 connections with a valid applicable license [30 TEX. ADMIN. CODE § 290.46(e)(6)(B) and TEX. HEALTH & SAFETY CODE § 341.033(a)].</p>		<p>water treatment is properly placed and not submerged in water;</p> <p>iii. Equip each filter at the Facility with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators; and</p> <p>iv. Repair the leak in the bolted steel ground storage tank.</p> <p>e) Within 75 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.g., and including supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.d.;</p> <p>f) Within 90 days after the effective date of this Agreed Order, repair or replace the clearwell's roof so that it conforms to AWWA standards such that no water ponds at any point on the roof and the roof has a slope of less than 0.75 inches per foot; and</p> <p>g) Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.f.</p>
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Additional ID No(s): PWS ID No. 1550005



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision September 19, 2007

TCEQ

DATES

Assigned

13-Aug-2007

PCW

10-Sep-2007

Screening

26-Sep-2007

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent City of Mart

Reg. Ent. Ref. No. RN101388544

Facility/Site Region 9-Waco

Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 34591

Docket No. 2007-1456-PWS-E

Media Program(s) Public Water Supply

Multi-Media

No. of Violations 15

Order Type 1660

Enf. Coordinator Epifanio Villarreal

EC's Team Enforcement Team 2

Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1

\$6,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

57% Enhancement

Subtotals 2, 3, & 7

\$3,477

Notes

The penalty enhancement is due to three prior Notices of Violation ("NOV") containing violations that are the same as or similar to the violations in the current enforcement actions, one prior dissimilar NOV, and two prior enforcement orders containing denial of liability.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5

\$0

Before NOV

NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement*

Subtotal 6

\$0

Total EB Amounts \$1,011
Approx. Cost of Compliance \$17,400

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal

\$9,577

OTHER FACTORS AS JUSTICE MAY REQUIRE

3%

Adjustment

\$300

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Enhancement recommended for recovery of avoided costs of compliance.

Final Penalty Amount

\$9,877

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$9,877

DEFERRAL

20%

Reduction

Adjustment

-\$1,975

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$7,902

Screening Date 26-Sep-2007

Docket No. 2007-1456-PWS-E

PCW

Respondent City of Mart

Policy Revision 2 (September 2002)

Case ID No. 34591

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101388544

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 57%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to three prior Notices of Violation ("NOV") containing violations that are the same as or similar to the violations in the current enforcement actions, one prior dissimilar NOV, and two prior enforcement orders containing denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 57%

Screening Date 26-Sep-2007	Docket No. 2007-1456-PWS-E	PCW
Respondent City of Mart	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34591	<small>PCW Revision September 19, 2007</small>	
Reg. Ent. Reference No. RN101388544		
Media [Statute] Public Water Supply		
Enf. Coordinator Epifanio Villarreal		
Violation Number 1		
Rule Cite(s)	30 Tex. Admin. Code § 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)	
Violation Description	Failed to maintain a free chlorine residual of at least 0.2 milligrams per liter ("mg/L") throughout the distribution system at all times. Specifically, at the time of the investigation, a chlorine residual field test conducted on July 10, 2007 at 714 East Texas Avenue and 454 Calvery-Eskew test site revealed a chlorine residual of 0.10 mg/L and 0.04 mg/L.	
Base Penalty		\$1,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 25%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%

Matrix Notes
 If the water supply does not maintain proper levels of disinfection, customers of the water supply could be exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events	1	1	Number of violation days
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<small>mark only one with an x</small>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

One single event is recommended.

Violation Base Penalty \$250

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$0	Violation Final Penalty Total \$405
This violation Final Assessed Penalty (adjusted for limits) \$405	

Economic Benefit Worksheet

Respondent: City of Mart
Case ID No. 34591
Reg. Ent. Reference No. RN101388544
Media: Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$50	10-Jul-2007	11-Jul-2007	0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to make adjustments to the chlorinator, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$0

Screening Date 26-Sep-2007 Respondent City of Mart Case ID No. 34591 Reg. Ent. Reference No. RN101388544 Media [Statute] Public Water Supply Enf. Coordinator Epifanio Villarreal Violation Number <input type="text" value="2"/> Rule Cite(s) <input type="text" value="30 Tex. Admin. Code § 290.41(e)(5)"/>	Docket No. 2007-1456-PWS-E <div style="text-align: right;">PCW</div> <div style="text-align: right; font-size: small;"> Policy Revision 2 (September 2002) PCW Revision September 19, 2007 </div>																	
Violation Description <div style="border: 1px solid black; padding: 5px; min-height: 80px;"> Failed to provide an intruder-resistant fence to protect the Facility's raw water pumps. Specifically, at the time of the investigation, it was noted that the building that houses the raw water pumps was not lockable and the fence around the building only covers three sides and is open to the lake side. </div>																		
Base Penalty <input type="text" value="\$1,000"/>																		
>> Environmental, Property and Human Health Matrix																		
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 20%;">Release</th> <th style="width: 20%;">Major</th> <th style="width: 20%;">Harm Moderate</th> <th style="width: 20%;">Minor</th> <th style="width: 25%;"></th> </tr> </thead> <tbody> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="vertical-align: middle;"> Percent <input type="text" value="25%"/> </td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td><input type="text"/></td> </tr> </tbody> </table>		Release	Major	Harm Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>	Potential	<input type="text"/>	<input type="text"/>	x	<input type="text"/>
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Matrix Notes	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 20%;">Falsification</th> <th style="width: 20%;">Major</th> <th style="width: 20%;">Moderate</th> <th style="width: 20%;">Minor</th> <th style="width: 25%;"></th> </tr> </thead> <tbody> <tr> <td></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="vertical-align: middle;"> Percent <input type="text" value="0%"/> </td> </tr> </tbody> </table> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Failing to provide an intruder-resistant fence for the pumps may allow persons to enter and vandalize the pumps which may compromise the system's ability to provide a safe and adequate water supply exposing customers to a significant amount of pollutants which would not exceed levels that are protective of human health. </div>		Falsification	Major	Moderate	Minor			<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>					
	Falsification	Major	Moderate	Minor														
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Adjustment <input type="text" value="\$750"/>																		
<input type="text" value="\$250"/>																		
Violation Events																		
<div style="display: flex; justify-content: space-between;"> <div> Number of Violation Events <input type="text" value="1"/> </div> <div> <input type="text" value="41"/> Number of violation days </div> </div> <div style="margin-top: 10px;"> <div style="display: flex; align-items: center;"> <div style="width: 15%; font-size: small;"> mark only one with an x </div> <table border="1" style="width: 30%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </table> </div> <div style="margin-left: 20px; text-align: right;"> Violation Base Penalty <input type="text" value="\$250"/> </div> </div>		daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	x	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>					
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annual	<input type="text"/>																	
single event	<input type="text"/>																	
<div style="border: 1px solid black; padding: 5px;"> One quarterly event is recommended from the date of the investigation August 16, 2007, to the date of screening, September 26, 2007. </div>																		
Economic Benefit (EB) for this violation																		
<div style="display: flex; justify-content: space-between;"> <div> Estimated EB Amount <input type="text" value="\$7"/> </div> <div> Statutory Limit Test Violation Final Penalty Total <input type="text" value="\$405"/> </div> </div> <div style="text-align: right; margin-top: 5px;"> This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$405"/> </div>																		

Economic Benefit Worksheet

Respondent City of Mart
Case ID No. 34591
Reg. Ent. Reference No. RN101388544
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	16-Aug-2007	26-Oct-2007	0.2	\$0	\$6	\$7
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to install a lock for the building that houses the raw water pumps and to repair the fence around the building to render it intruder-resistant, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$7

Screening Date	26-Sep-2007	Docket No.	2007-1456-PWS-E	PCW
Respondent	City of Mart	Policy Revision 2 (September 2002)		
Case ID No.	34591	PCW Revision September 19, 2007		
Reg. Ent. Reference No.	RN101388544			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 290.43(e)			
Violation Description	<p>Failed to provide an intruder-resistant fence to protect the Facility's elevated and ground storage tanks. Specifically, at the time of the investigation, it was noted that the fences at the Lumpkin and Hawkins elevated tanks had extensive damage from tree limbs and vehicle collisions and the Highway 164 ground storage tank's fence was not 6 feet tall.</p>			
Base Penalty				\$1,000

>> Environmental, Property and Human Health Matrix

		Harm			
		Major	Moderate	Minor	
OR	Release				
	Actual				
	Potential		x		
					Percent 25%

>> Programmatic Matrix

		Major	Moderate	Minor	
	Falsification				
					Percent 0%

Matrix Notes

Failing to provide an intruder-resistant fence for the water storage tanks may allow persons to enter and vandalize the storage tanks which may compromise the system's ability to provide a safe and adequate water supply exposing customers to a significant amount of pollutants which would not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events	3	41	Number of violation days
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mark only one with an x	daily		monthly		quarterly	x		semiannual		annual		single event	
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Three quarterly events are recommended (one event for each location) from the date of the investigation, August 16, 2007, to the date of screening, September 26, 2007.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$140	Violation Final Penalty Total \$1,214
This violation Final Assessed Penalty (adjusted for limits) \$1,214	

Economic Benefit Worksheet

Respondent: City of Mart
Case ID No. 34591
Reg. Ent. Reference No. RN101388544
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,500	16-Aug-2007	26-Oct-2007	0.2	\$1	\$19	\$20
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$3,000	16-Aug-2007	1-Jun-2008	0.8	\$119	n/a	\$119

Notes for DELAYED costs

The delayed cost includes the amount to repair the intruder-resistant fences around the Hawkins and Lumpkin's elevated storage tanks, calculated from the date of the investigation to the date of compliance. The delayed cost includes the amount to repair the intruder-resistant fence around the Highway 164 ground storage tank, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,500

TOTAL

\$140

Screening Date 26-Sep-2007		Docket No. 2007-1456-PWS-E		PCW	
Respondent City of Mart		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 34591		<small>PCW Revision September 19, 2007</small>			
Reg. Ent. Reference No. RN101388544					
Media [Statute] Public Water Supply					
Enf. Coordinator Epifanio Villarreal					
Violation Number		<input type="text" value="4"/>			
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 290.46(m)"/>			
Violation Description		<p>Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the time of the investigation, it was noted that the fence at the standpipe has brush, vines, and small trees growing through the fence.</p>			
Base Penalty					<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	x	
					Percent <input type="text" value="10%"/>

>> Programmatic Matrix

	Falsification				
	Major	Moderate	Minor		
	<input type="text"/>	<input type="text"/>	<input type="text"/>		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="0%"/>

Matrix Notes	Failure to maintain the grounds around the water supply could result in customers of the water supply being exposed to insignificant amounts of contaminants which would not exceed levels that are protective of human health.
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Adjustment	<input type="text" value="\$900"/>
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	<input type="text" value="\$100"/>
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Violation Events

Number of Violation Events <input type="text" value="1"/>		<input type="text" value="41"/> Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	x	
One single event is recommended.			

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$3"/>	Violation Final Penalty Total	<input type="text" value="\$162"/>
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$162"/>	

Economic Benefit Worksheet

Respondent City of Mart
Case ID No. 34591
Reg. Ent. Reference No. RN101388544
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$200	16-Aug-2007	26-Oct-2007	0.2	\$0	\$3	\$3
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to initiate maintenance and good housekeeping practices at the standpipe's fence, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$3

Screening Date 26-Sep-2007 Respondent City of Mart Case ID No. 34591 Reg. Ent. Reference No. RN101388544 Media [Statute] Public Water Supply Enf. Coordinator Epifanio Villarreal Violation Number 5 Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(m)(4) and 290.43(c)(6)	Docket No. 2007-1456-PWS-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision September 19, 2007</i>																			
Violation Description <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically, at the time of the investigation, there were leaks observed at the Facility's below ground storage tank's overflow, a valve at the Highway 164 site, a valve on the Lumpkin elevated storage tank, and a large leak in the bolted steel ground storage tank at the Facility. </div>																				
Base Penalty \$1,000																				
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"></td> <td style="width: 20%; text-align: center;">Harm</td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 25%;"></td> </tr> <tr> <td>Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="border: 1px solid black; width: 50px; height: 15px;"></td> <td style="border: 1px solid black; width: 50px; height: 15px;"></td> <td style="border: 1px solid black; width: 50px; height: 15px;"></td> <td rowspan="2" style="vertical-align: middle; padding-left: 10px;"> Percent 25% </td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="border: 1px solid black; width: 50px; height: 15px;"></td> <td style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</td> <td style="border: 1px solid black; width: 50px; height: 15px;"></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual				Percent 25%	Potential		x	
	Harm																			
Release	Major	Moderate	Minor																	
Actual				Percent 25%																
Potential		x																		
>> Programmatic Matrix																				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"></td> <td style="width: 20%; text-align: center;">Falsification</td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 25%;"></td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="border: 1px solid black; width: 50px; height: 15px;"></td> <td style="border: 1px solid black; width: 50px; height: 15px;"></td> <td style="border: 1px solid black; width: 50px; height: 15px;"></td> <td style="border: 1px solid black; width: 50px; height: 15px;"></td> <td rowspan="2" style="vertical-align: middle; padding-left: 10px;"> Percent 0% </td> </tr> </table>		Falsification					Major	Moderate	Minor						Percent 0%				
	Falsification																			
	Major	Moderate	Minor																	
				Percent 0%																
Matrix Notes	<div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Failure to maintain the water system in a watertight condition could allow a significant amount of contaminants to enter the water system which would not exceed levels protective of human health. </div>																			
Adjustment \$750																				
\$250																				
Violation Events																				
<table style="width: 100%;"> <tr> <td style="width: 40%;"> Number of Violation Events 4 </td> <td style="width: 20%;"></td> <td style="width: 40%;"> Number of violation days 41 </td> </tr> </table>		Number of Violation Events 4		Number of violation days 41																
Number of Violation Events 4		Number of violation days 41																		
mark only one with an x	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; text-align: center;">daily</td> <td style="width: 80%; border: 1px solid black; height: 15px;"></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td style="border: 1px solid black; height: 15px;"></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td style="border: 1px solid black; height: 15px; text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td style="border: 1px solid black; height: 15px;"></td> </tr> <tr> <td style="text-align: center;">annual</td> <td style="border: 1px solid black; height: 15px;"></td> </tr> <tr> <td style="text-align: center;">single event</td> <td style="border: 1px solid black; height: 15px;"></td> </tr> </table>	daily		monthly		quarterly	x	semiannual		annual		single event								
daily																				
monthly																				
quarterly	x																			
semiannual																				
annual																				
single event																				
Violation Base Penalty \$1,000																				
<div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Four quarterly events are recommended (one event for each leak) from the date of the investigation, August 16, 2007, to the date of screening, September 26, 2007. </div>																				
Economic Benefit (EB) for this violation																				
<table style="width: 100%;"> <tr> <td style="width: 50%;"> Estimated EB Amount \$27 </td> <td style="width: 50%;"> Statutory Limit Test </td> </tr> </table>		Estimated EB Amount \$27	Statutory Limit Test																	
Estimated EB Amount \$27	Statutory Limit Test																			
Violation Final Penalty Total \$1,619																				
This violation Final Assessed Penalty (adjusted for limits) \$1,619																				

Economic Benefit Worksheet

Respondent City of Mart
Case ID No. 34591
Reg. Ent. Reference No. RN101388544
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	16-Aug-2007	26-Oct-2007	0.2	\$0	\$6	\$7
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	16-Aug-2007	1-Jun-2008	0.8	\$20	n/a	\$20

Notes for DELAYED costs

The delayed cost includes the amount to repair the leaks observed at the surface water treatment plant's below ground storage tank's overflow, valve at the Highway 164 site, and valve on the Lumpkin elevated storage tank, calculated from the date of the investigation to the date of compliance. The delayed cost includes the amount to repair the large leak in the bolted steel ground storage tank at the Surface Water Treatment Plant, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$27

Screening Date	26-Sep-2007	Docket No.	2007-1456-PWS-E	PCW
Respondent	City of Mart	Policy Revision 2 (September 2002)		
Case ID No.	34591	PCW Revision September 19, 2007		
Reg. Ent. Reference No.	RN101388544			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code § 290.42(f)(1)(D)			
Violation Description	Failed to store dry chemicals off the floor in a dry room that is located above the ground and protected against flooding or wetting from floors, walls, and ceilings. Specifically, at the time of the investigation, it was noted that the supply of calcium hypochlorite was stored on the floor.			
Base Penalty				\$1,000

>> Environmental, Property and Human Health Matrix

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual					
	Potential		x		Percent	25%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
					Percent	0%

Matrix Notes	Failure to store dry chemicals off the floor in a dry room could expose employees or operators to a significant amount of pollutants which would not exceed levels that are protective of human health.
---------------------	---

Adjustment	\$750	
		\$250

Violation Events

Number of Violation Events	1	41	Number of violation days
----------------------------	---	----	--------------------------

mark only one with an x	daily		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

Violation Base Penalty	\$250
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One quarterly event is recommended from the date of the investigation, August 16, 2007, to the date of screening, September 26, 2007.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$25	\$405
This violation Final Assessed Penalty (adjusted for limits)	
\$405	

Economic Benefit Worksheet

Respondent City of Mart
Case ID No. 34591
Reg. Ent. Reference No. RN101388544
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$500	16-Aug-2007	1-May-2008	0.7	\$1	\$24	\$25
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to properly store the calcium hypochlorite in a dry room that is located above ground, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$25

Screening Date	26-Sep-2007	Docket No.	2007-1456-PWS-E	PCW
Respondent	City of Mart	Policy Revision 2 (September 2002)		
Case ID No.	34591	PCW Revision September 19, 2007		
Reg. Ent. Reference No.	RN101388544			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	7			
Rule Cite(s)	30 Tex. Admin. Code § 290.42(d)(2)(A)			
Violation Description	Failed to provide vacuum breakers on each hose bibb within the Facility. Specifically, at the time of the investigation, it was noted that there is no vacuum breaker on the hose bibb near the clarifier.			
Base Penalty				\$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm					
	Release	Major	Moderate	Minor		
	Actual					
	Potential		x		Percent	25%

>> Programmatic Matrix

Falsification					
Major	Moderate	Minor			
				Percent	0%

Matrix Notes

Failure to provide a vacuum breaker on each hose bibb, could allow the water supply to be exposed to pollutants which would not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

	1	41	Number of violation days
--	---	----	--------------------------

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$250

One quarterly event is recommended from the date of the investigation, August 16, 2007, to the date of screening, September 26, 2007.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$3	Violation Final Penalty Total \$405
This violation Final Assessed Penalty (adjusted for limits) \$405	

Economic Benefit Worksheet

Respondent: City of Mart
Case ID No. 34591
Reg. Ent. Reference No. RN101388544
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$200	16-Aug-2007	26-Oct-2007	0.2	\$0	\$3	\$3
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to provide a vacuum breaker on the hose bibb near the clarifier, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$3

Screening Date 26-Sep-2007	Docket No. 2007-1456-PWS-E	PCW
Respondent City of Mart	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34591	<small>PCW Revision September 19, 2007</small>	
Reg. Ent. Reference No. RN101388544		
Media [Statute] Public Water Supply		
Enf. Coordinator Epifanio Villarreal		
Violation Number <input type="text" value="8"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(t)"/>	
Violation Description	<input type="text" value="Failed to post a legible sign that contains the name of the water supply and emergency telephone numbers where a responsible official can be contacted. Specifically, at the time of the investigation, it was noted that there was no ownership sign posted at the raw water intake site."/>	
Base Penalty		<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	
	Percent <input type="text" value="25%"/>				
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>				
Adjustment					<input type="text" value="\$750"/>

Violation Events

	<input type="text" value="1"/>	<input type="text" value="41"/>	Number of violation days
<small>mark only one with an x</small>	<div style="display: flex; flex-direction: column; align-items: center;"> <div style="margin-bottom: 2px;">daily</div> <div style="margin-bottom: 2px;">monthly</div> <div style="margin-bottom: 2px;">quarterly</div> <div style="margin-bottom: 2px;">semiannual</div> <div style="margin-bottom: 2px;">annual</div> <div>single event</div> </div>	<div style="display: flex; flex-direction: column; align-items: center;"> <div style="margin-bottom: 2px;"><input type="text"/></div> <div style="margin-bottom: 2px;"><input type="text"/></div> <div style="margin-bottom: 2px;"><input type="text"/></div> <div style="margin-bottom: 2px;"><input type="text"/></div> <div style="margin-bottom: 2px;"><input type="text"/></div> <div><input type="text" value="x"/></div> </div>	Violation Base Penalty <input type="text" value="\$250"/>
<input type="text" value="One single event is recommended."/>			

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$1"/>	Violation Final Penalty Total <input type="text" value="\$405"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$405"/>	

Economic Benefit Worksheet

Respondent City of Mart
 Case ID No. 34591
 Reg. Ent. Reference No. RN101388544
 Media Public Water Supply
 Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$100	16-Aug-2007	26-Oct-2007	0.2	\$0	\$1	\$1
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to post a proper sign at the raw water intake site, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$1

Screening Date 26-Sep-2007		Docket No. 2007-1456-PWS-E		PCW
Respondent City of Mart		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 34591		<i>PCW Revision September 19, 2007</i>		
Reg. Ent. Reference No. RN101388544				
Media [Statute] Public Water Supply				
Enf. Coordinator Epifanio Villarreal				
Violation Number	<input type="text" value="9"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.43(c)"/>			
Violation Description	<p>Failed to design a proper roof slope on the ground storage tank in accordance with American Water Works Association ("AWWA") standards so that no water ponds at any point on the roof and the roof has a slope of less than 0.75 inches per foot. Specifically, at the time of the investigation, it was noted that the clearwell's roof did not have a slope.</p>			
Base Penalty				<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	x	<input type="text"/>	Percent <input type="text" value="25%"/>

>> Programmatic Matrix

Falsification				
Major	Moderate	Minor		
<input type="text"/>	<input type="text"/>	<input type="text"/>		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

Matrix Notes	<p>If AWWA standards are not utilized in the design and construction of the ground storage tank, the sanitary nature of the drinking water could be compromised, exposing customers of the water supply to significant amounts of contamination at levels that are not protective of human health.</p>
---------------------	--

Adjustment	<input type="text" value="\$750"/>
<input type="text" value="\$250"/>	

Violation Events

Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="41"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$250"/>
	monthly	<input type="text"/>	
	quarterly	x	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

<p>One quarterly event is recommended from the date of the investigation, August 16, 2007, to the date of screening, September 26, 2007.</p>
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Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$395"/>	Violation Final Penalty Total <input type="text" value="\$405"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$405"/>	

Economic Benefit Worksheet

Respondent City of Mart
Case ID No. 34591
Reg. Ent. Reference No. RN101388544
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$5,000	16-Aug-2007	1-Oct-2008	1.1	\$19	\$376	\$395
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to repair the roof on the storage tank such that it meets AWWA standards, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$395

Screening Date 26-Sep-2007		Docket No. 2007-1456-PWS-E		PCW
Respondent City of Mart		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 34591		<i>PCW Revision September 19, 2007</i>		
Reg. Ent. Reference No. RN101388544				
Media [Statute] Public Water Supply				
Enf. Coordinator Epifanio Villarreal				
Violation Number	<input type="text" value="10"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.42(f)(1)(E)(ii)"/>			
Violation Description	<p>Failed to provide adequate containment facilities for all liquid chemical storage tanks. Specifically, at the time of the investigation, it was noted that four liquid ammonium sulfate drums did not have any secondary containment.</p>			
Base Penalty				<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="50%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Percent <input type="text" value="0%"/>				

Matrix Notes	<p>Failure to provide secondary containment facilities for liquid chemical storage tanks could expose employees or the environment to a significant amount of chemicals which would exceed levels that are protective of human health and environmental receptors.</p>
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Adjustment	<input type="text" value="\$500"/>
<input type="text" value="\$500"/>	

Violation Events

Number of Violation Events	<input type="text" value="2"/>	Number of violation days	<input type="text" value="41"/>
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<small>mark only one with an x</small>	daily	<input type="text"/>	
	monthly	<input checked="" type="checkbox"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

Violation Base Penalty	<input type="text" value="\$1,000"/>
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<p>Two monthly events are recommended from the date of the investigation, August 16, 2007, to the date of screening, September 26, 2007.</p>	
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Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	<input type="text" value="\$50"/>
Violation Final Penalty Total	<input type="text" value="\$1,619"/>
This violation Final Assessed Penalty (adjusted for limits)	
<input type="text" value="\$1,619"/>	

Economic Benefit Worksheet

Respondent City of Mart
 Case ID No. 34591
 Reg. Ent. Reference No. RN101388544
 Media Public Water Supply
 Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	16-Aug-2007	1-May-2008	0.7	\$2	\$47	\$50
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to provide secondary containment facilities for the four liquid ammonium sulfate drums, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$50

Screening Date 26-Sep-2007 Respondent City of Mart Case ID No. 34591 Reg. Ent. Reference No. RN101388544 Media [Statute] Public Water Supply Enf. Coordinator Epifanio Villarreal Violation Number 11 Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(3)	Docket No. 2007-1456-PWS-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision September 19, 2007</i>
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Violation Description	Failed to maintain the overflow on the facility's storage tanks in strict accordance with current AWWA design standards. Specifically, it was noted that the overflow valve on the Hawkins street elevated tank is not a hinged flap valve type and was stuck in an open position. Additionally, the hinged flap valve on the bolted ground storage tank at the surface water treatment plant terminates in a drainage ditch and was observed as submerged.
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Base Penalty	\$1,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		
					Percent 25%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%

Matrix Notes	Failure to maintain overflows in accordance with AWWA standards could allow significant amounts of contaminants to enter the water supply which would not exceed levels protective of human health.
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Adjustment	\$750
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Adjustment	\$250
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Violation Events

Number of Violation Events	2		41	Number of violation days
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<i>mark only one with an x</i>	daily			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

Violation Base Penalty	\$500
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Two quarterly events are recommended (one event for each tank) from the date of the investigation, August 16, 2007, to the date of screening, September 26, 2007.	
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Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$33	\$810
This violation Final Assessed Penalty (adjusted for limits)	
\$810	

Economic Benefit Worksheet

Respondent City of Mart
Case ID No. 34591
Reg. Ent. Reference No. RN101388544
Media Public Water Supply
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,000	16-Aug-2007	26-Oct-2007	0.2	\$1	\$13	\$14
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	16-Aug-2007	1-Jun-2008	0.8	\$20	n/a	\$20

Notes for DELAYED costs

The delayed cost includes the amount to provide the overflow valve with a flap type valve on the Hawkins Street elevated storage tank hinged flap valve, calculated from the date of the investigation, to the date of compliance. The delayed cost includes the amount to repair the hinged flap valve on the storage tank at the surface water treatment plant that was submerged, calculated from the date of the investigation, to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500

TOTAL \$33

Screening Date 26-Sep-2007		Docket No. 2007-1456-PWS-E		PCW																					
Respondent City of Mart		<i>Policy Revision 2 (September 2002)</i>																							
Case ID No. 34591		<i>PCW Revision September 19, 2007</i>																							
Reg. Ent. Reference No. RN101388544																									
Media [Statute] Public Water Supply																									
Enf. Coordinator Epifanio Villarreal																									
Violation Number	<input type="text" value="12"/>																								
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.42(d)(11)(D)(i)"/>																								
Violation Description	<div style="border: 1px solid black; padding: 5px;"> <p>Failed to equip each filter with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators. Specifically, at the time of the investigation, it was noted that the filters at the surface water treatment plant do not have manually adjustable rate-of-flow controllers.</p> </div>																								
Base Penalty				<input type="text" value="\$1,000"/>																					
>> Environmental, Property and Human Health Matrix																									
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td>Release</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td><input type="text"/></td> </tr> </table>					Harm				Major	Moderate	Minor	Release				Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	<input type="text"/>	x	<input type="text"/>	Percent <input type="text" value="25%"/>
		Harm																							
		Major	Moderate	Minor																					
Release																									
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>																						
Potential	<input type="text"/>	x	<input type="text"/>																						
>> Programmatic Matrix																									
	<table border="1" style="margin: auto;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td>Falsification</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>					Major	Moderate	Minor	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>												
	Major	Moderate	Minor																						
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>																						
Matrix Notes	<div style="border: 1px solid black; padding: 5px;"> <p>The influent and effluent pressures cannot be accurately measured during filter operation without operational rate-of-flow indicators which may allow significant amount of pollutants which would not exceed levels that are protective of human health pass through the filters.</p> </div>																								
Adjustment				<input type="text" value="\$750"/>																					
				<input type="text" value="\$250"/>																					
Violation Events																									
Number of Violation Events		<input type="text" value="2"/>	Number of violation days																						
		<input type="text" value="41"/>																							
mark only one with an x	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$500"/>																						
	monthly	<input type="text"/>																							
	quarterly	x																							
	semiannual	<input type="text"/>																							
	annual	<input type="text"/>																							
	single event	<input type="text"/>																							
<div style="border: 1px solid black; padding: 5px;"> <p>Two quarterly events are recommended from the date of the investigation, August 16, 2007, to the date of screening, September 26, 2007.</p> </div>																									
Economic Benefit (EB) for this violation			Statutory Limit Test																						
Estimated EB Amount		<input type="text" value="\$83"/>	Violation Final Penalty Total <input type="text" value="\$810"/>																						
			This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$810"/>																						

Economic Benefit Worksheet

Respondent: City of Mart
Case ID No. 34591
Reg. Ent. Reference No. RN101388544
Media Public Water Supply
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment	\$1,500	16-Aug-2007	1-Jun-2008	0.8	\$4	\$79	\$83
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to provide filters with a manually adjustable rate-of-flow controller, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$83

Screening Date	26-Sep-2007	Docket No.	2007-1456-PWS-E	PCW																	
Respondent	City of Mart	Policy Revision 2 (September 2002)																			
Case ID No.	34591	PCW Revision September 19, 2007																			
Reg. Ent. Reference No.	RN101388544																				
Media [Statute]	Public Water Supply																				
Enf. Coordinator	Epifanio Villarreal																				
Violation Number	13																				
Rule Cite(s)	30 Tex. Admin. Code § 290.46(f)(2)																				
Violation Description	<p>Failed to provide water system records to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, the following records were not available for review: annual tank inspection reports for all system water storage tanks, verification of American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for polymer, chlorine, calcium hypochlorite, and liquid ammonium sulfate, backflow prevention device programs, calibration records for flow measuring devices, and customer service agreements.</p>																				
Base Penalty				\$1,000																	
>> Environmental, Property and Human Health Matrix																					
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> </tr> </table>					Harm			Release	Major	Moderate	Minor	Actual				Potential				Percent 0%
		Harm																			
	Release	Major	Moderate	Minor																	
Actual																					
Potential																					
>> Programmatic Matrix																					
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">x</td> <td></td> <td></td> </tr> </table>					Falsification	Major	Moderate	Minor			x			Percent 25%						
	Falsification	Major	Moderate	Minor																	
		x																			
Matrix Notes	100% of the rule requirement was not met.																				
Adjustment				\$750																	
				\$250																	
Violation Events																					
Number of Violation Events 1		Number of violation days 41																			
<small>mark only one with an x</small>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		monthly		quarterly		semiannual		annual		single event	x	Violation Base Penalty \$250							
daily																					
monthly																					
quarterly																					
semiannual																					
annual																					
single event	x																				
One single event is recommended.																					
Economic Benefit (EB) for this violation		Statutory Limit Test																			
Estimated EB Amount \$21		Violation Final Penalty Total \$405																			
This violation Final Assessed Penalty (adjusted for limits)				\$405																	

Economic Benefit Worksheet

Respondent City of Mart
Case ID No. 34591
Reg. Ent. Reference No. RN101388544
Media Public Water Supply
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	16-Aug-2007	26-Oct-2007	0.2	\$5	n/a	\$5
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	16-Aug-2007	1-Apr-2008	0.6	\$16	n/a	\$16

Notes for DELAYED costs

The delayed cost includes the amount to maintain ANSI/NSF system record for the chemicals used at the facility and backflow prevention assembly test reports, calculated from the date of the investigation to the date of compliance. The delayed cost includes the amount to maintain system records calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$21

Screening Date 26-Sep-2007	Docket No. 2007-1456-PWS-E	PCW
Respondent City of Mart	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34591	<small>PCW Revision September 19, 2007</small>	
Reg. Ent. Reference No. RN101388544		
Media [Statute] Public Water Supply		
Enf. Coordinator Epifanio Villarreal		
Violation Number	14	
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(3)(K)	
Violation Description	<p>Failed to seal the wellhead with a gasket or sealing compound to prevent the possibility of contaminating the well water. Specifically, at the time of the investigation, it was noted that the concrete sealing block has large cracks and the wellhead is not sealed to the sealing block.</p>	
Base Penalty		\$1,000

>> Environmental, Property and Human Health Matrix

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual					
	Potential		x		Percent	25%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
					Percent	0%

Matrix Notes	<p>Failure to seal the wellhead with a gasket or sealing compound could allow contaminants into the water supply and expose customers to a significant amount of contaminants which would not exceed levels that are protective of human health.</p>
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Adjustment	\$750
\$250	

Violation Events

Number of Violation Events	1		41	Number of violation days
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<small>mark only one with an x</small>	daily		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

Violation Base Penalty	\$250
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<p>One quarterly event is recommended from the date of the investigation, August 16, 2007, to the date of screening, September 26, 2007</p>	
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Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$1
	Violation Final Penalty Total
	\$405
This violation Final Assessed Penalty (adjusted for limits)	
\$405	

Economic Benefit Worksheet

Respondent City of Mart
Case ID No. 34591
Reg. Ent. Reference No. RN101388544
Media Public Water Supply
Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$50	16-Aug-2007	26-Oct-2007	0.2	\$0	\$1	\$1
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to seal the cracks in the sealing block and seal the wellhead, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$1

Screening Date 26-Sep-2007		Docket No. 2007-1456-PWS-E		PCW	
Respondent City of Mart		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 34591		<i>PCW Revision September 19, 2007</i>			
Reg. Ent. Reference No. RN101388544					
Media [Statute] Public Water Supply					
Enf. Coordinator Epifanio Villarreal					
Violation Number 15					
Rule Cite(s)		30 Tex. Admin. Code § 290.46(e)(6)(B) and Tex. Health & Safety Code § 341.033(a)			
Violation Description		<p>Failed to employ an additional water works operator for surface water systems that serve more than 1,000 connections with a valid applicable license. Specifically, at the time of the investigation, it was noted that the system only has one licensed surface water operator. Additionally, the operator has not taken the required surface water Unit I course and the surface water Unit II course.</p>			
Base Penalty					\$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 25%

>> Programmatic Matrix

Falsification				
Major	Moderate	Minor		
				Percent 0%

Matrix Notes	Without an additional licensed water works operator managing the facility, improper management of the water supply could result in customers of the water supply being exposed to contaminants which would not exceed levels that are protective of human health.
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Adjustment	\$750
\$250	

Violation Events

Number of Violation Events 1		41 Number of violation days			
<i>mark only one with an x</i>	daily				Violation Base Penalty \$250
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				
<p>One quarterly event is recommended from the date of the investigation, August 16, 2007, to the date of screening, September 26, 2007.</p>					

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$224	Violation Final Penalty Total	\$405
This violation Final Assessed Penalty (adjusted for limits)		\$405	

Economic Benefit Worksheet

Respondent City of Mart
Case ID No. 34591
Reg. Ent. Reference No. RN101388544
Media Public Water Supply
Violation No. 15

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel	\$300	16-Aug-2007	1-May-2008	0.7	\$11	\$213	\$224
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the exam costs for a Class B or C applicable license and to take the surface water Unit I and Unit II courses, calculated from the date of the investigation to the estimated date of compliance.

Approx. Cost of Compliance

\$300

TOTAL

\$224

Compliance History

Customer/Respondent/Owner-Operator: CN600344048 City of Mart Classification: AVERAGE Rating: 2.00
 Regulated Entity: RN101388544 CITY OF MART Classification: Site Rating:
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1550005
 WATER LICENSING LICENSE 1550005
 Location: 112 N COMMERCE ST, MART, TX
 TCEQ Region: REGION 09 - WACO
 Date Compliance History Prepared: September 09, 2007
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: September 9, 2002 to September 9, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Epi Villarreal Phone: (210) 403-4033

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 01/08/2005

ADMINORDER 2003-1437-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)[G]
 Description: Failure to provide adequate backflow protection.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(A)
 Description: Failure to provide adequate raw water pump capacity.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(C)
 Description: Failure to provide adequate transfer pump capacity.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
 Description: Failure to maintain the fence at the Highway 164 booster plant in an intruder resistant manner.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facility and equipment. The packing glands on the backwash pump, two booster pumps, the 250,000-gallon elevated ground storage tank, and the Battle Ck Golf Course standpipe were leaking.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
 Description: Failure to provide a separate flow measuring device at the surface water treatment plant to measure the recycled decant water.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(ii)
 Description: Failure to calibrate the disinfectant residual analyzers properly.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.42(k)

Description: Failure to maintain a current and thorough plant operations manual for operator review and reference.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)[G]

Description: Failure to provide a proper ground storage tank roof to prevent the possibility of contamination. Holes in the roof of the 70,000 gallon elevated storage tank on Hawkins St. with separations between the sidewall of the tank and the roof, no gasket on the roof hatch, and hatch could not be locked were on annual report.

Effective Date: 11/24/2005

ADMINORDER 2005-1219-PWS-E

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the MCL for HAA5 in the third quarter of 2004

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the MCL for TTHM in the third quarter of 2004

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

08/29/2003	(24437)
06/10/2004	(263793)
11/30/2004	(339620)
06/29/2005	(397653)
10/05/2005	(431452)
01/20/2006	(439215)
03/13/2006	(456492)
11/21/2006	(516896)
01/22/2007	(535875)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 05/20/2004 (263793)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain all water storage facilities in a watertight condition.

Date: 10/07/2005 (431452)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(1)

Description: Failure to provide accurate and up-to-date detailed as-built plans or record drawings and specifications.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to provide up-to-date distribution map.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)

Description: Failure to calibrate the benchtop turbidimeter at least once every ninety days.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: Failure to verify the accuracy of the manual disinfectant residual analyzer at least once every thirty days using chlorine solutions of known concentrations.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)

Description: 30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Failure to provide an intruder-resistant fence in order to protect the well, ground storage tanks, elevated tank and clearwell.

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)		
Description:	Failure to establish regulations in the city ordinances governing the 200 foot restriction zone at the raw water intake.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(1)		
Description:	Failure to provide a proper roof vent on the ground storage tank.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.44(d)(1)		
Description:	Failure to properly install air release devices in the distribution system.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(4)		
Description:	Failure to provide a water level indicator on all clearwells and water storage tanks.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(6)		
Description:	Failure to prevent leaking of all water storage tanks.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B)		
Description:	Failure to properly house gas chlorine cylinders.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(13)[G]		
Description:	Failure to identify all chemical feed lines.		

Date: 08/09/2006 (487779)

Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.44(d)[G] 30 TAC Chapter 290, SubChapter D 290.46(r)		
Description:	Failure to design and maintain a water distribution system to provide at all times a minimum pressure of 35 pounds per square inch (psi).		

Date: 04/24/2007 (557484)

Self Report?	NO	Classification	Major
Citation:	30 TAC Chapter 290, SubChapter F 290.110(b)(4)		
Description:	Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine or 0.5 mg/L total chlorine as per agency regulations.		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF MART
RN101388544**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1456-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Mart ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a public water supply at 112 North Commerce Street in Mart, McLennan County, Texas (the "Facility") that has approximately 1,241 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
3. The City received notice of the violations alleged in Section II ("Allegations") on or about August 22, 2007 and September 24, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Nine Thousand Eight Hundred Seventy-Seven Dollars (\$9,877) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Seven Thousand Nine Hundred Two Dollars (\$7,902) of the administrative penalty and One Thousand Nine Hundred Seventy-Five Dollars (\$1,975) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this

Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
 - a. Provided documentation demonstrating compliance with the disinfection residual requirement on July 11, 2007;
 - b. Submitted a photo demonstrating compliance with the locked building that houses the raw water pumps, as documented on October 26, 2007;
 - c. Repaired and rendered the fences at the Hawkins and Lumpkin elevated storage tank sites intruder-resistant, as documented on October 26, 2007;
 - d. Began initiating a maintenance program to ensure the appearance of the Facility by clearing the overgrown vegetation from the fence at the standpipe, as documented on October 26, 2007;
 - e. Submitted photos demonstrating compliance with the leaks at the surface water treatment plant's below ground storage tank's overflow, valve at the Highway 164 site, and valve on the Lumpkin's elevated storage tank, as documented on October 26, 2007;
 - f. Submitted a photo demonstrating compliance with the vacuum breaker requirement, as documented on October 26, 2007;
 - g. Posted a legible sign containing the name of the water supply and emergency telephone numbers at the raw water intake site, as documented on October 26, 2007;
 - h. Submitted a photo of the hinged flap valve type on the Hawkins street elevated tank, as documented on October 26, 2007;
 - i. Submitted documentation demonstrating compliance with American National Standards Institute/National Sanitation Foundation Standard 60 for all of the chemicals used by the system and submitted the backflow prevention assembly test reports, as documented on October 26, 2007; and
 - j. Sealed the wellhead to the sealing block and sealed the cracks on the sealing block, as documented on October 26, 2007.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the

Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.

10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to maintain a free chlorine residual of at least 0.2 milligrams per liter ("mg/L") throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on July 10, 2007.
2. Failed to provide an intruder-resistant fence to protect the Facility's raw water pumps, in violation of 30 TEX. ADMIN. CODE § 290.41(e)(5), as documented during an investigation conducted on August 16, 2007.
3. Failed to provide an intruder-resistant fence to protect the Facility's elevated and ground storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.43(e), as documented during an investigation conducted on August 16, 2007.
4. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on August 16, 2007.
5. Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE §§ 290.46(m)(4) and 290.43(c)(6), as documented during an investigation conducted on August 16, 2007. Specifically, at the time of the investigation, there were leaks observed at the Facility's below ground storage tank's overflow, a valve at the Highway 164 site, a valve on the Lumpkin elevated storage tank, and a large leak in the bolted steel ground storage tank at the Facility.
6. Failed to store dry chemicals off the floor in a dry room that is located above the ground and protected against flooding or wetting from floors, walls, and ceilings, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(D), as documented during an investigation conducted on August 16, 2007.
7. Failed to provide vacuum breakers on each hose bibb within the Facility, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(2)(A), as documented during an investigation conducted on August 16, 2007.

8. Failed to post a legible sign that contains the name of the water supply and emergency telephone numbers where a responsible official can be contacted, in violation of 30 TEX. ADMIN. CODE § 290.46(t), as documented during an investigation conducted on August 16, 2007.
9. Failed to design a proper roof slope on the ground storage tank in accordance with American Water Works Association ("AWWA") standards so that no water ponds at any point on the roof and the roof has a slope of less than 0.75 inches per foot, in violation of 30 TEX. ADMIN. CODE § 290.43(c), as documented during an investigation conducted on August 16, 2007.
10. Failed to provide adequate containment facilities for all liquid chemical storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii), as documented during an investigation conducted on August 16, 2007.
11. Failed to maintain the overflow on the Facility's storage tanks in strict accordance with current AWWA design standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3), as documented during an investigation conducted on August 16, 2007.
12. Failed to equip each filter with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(11)(D)(i), as documented during an investigation conducted on August 16, 2007.
13. Failed to provide water system records to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), as documented during an investigation conducted on August 16, 2007.
14. Failed to seal the wellhead with a gasket or sealing compound to prevent the possibility of contaminating the well water, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K), as documented during an investigation conducted on August 16, 2007.
15. Failed to employ an additional water works operator for a surface water system that serves more than 1,000 connections with a valid applicable license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(6)(B) and TEX. HEALTH & SAFETY CODE § 341.033(a), as documented during an investigation conducted on August 16, 2007.

III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Mart, Docket No. 2007-1456-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the City shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Agreed Order, begin compiling and maintain properly completed monthly water works operation reports and maintenance records, including but not limited to: annual tank inspection forms for all water storage tanks, calibration records for flow measuring devices, and customer service agreements, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Provide proper chemical storage for the calcium hypochlorite, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - ii. Provide secondary containment facilities for the liquid ammonium sulfate drums, as required by 30 TEX. ADMIN. CODE § 290.42; and
 - iii. Employ a water works operator who holds a minimum of a Class C surface water license and have the current operators take the required surface water Unit I and II courses, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.g., and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a. and b.
 - d. Within 60 days after the effective date of this Agreed Order:
 - i. Provide intruder-resistant fences or lockable buildings to protect the Highway 164 ground storage tank site, in accordance with 30 TEX. ADMIN. CODE § 290.43;
 - ii. Ensure that the hinged flap valve on the bolted ground storage tank at the surface water treatment is properly placed and not submerged in water, in accordance with 30 TEX. ADMIN. CODE § 290.43;
 - iii. Equip each filter at the Facility with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators, as required by 30 TEX. ADMIN. CODE § 290.42; and
 - iv. Repair the leak in the bolted steel ground storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.43.

- e. Within 75 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.g., and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.d.
- f. Within 90 days after the effective date of this Agreed Order, repair or replace the clearwell's roof so that it conforms to AWWA standards such that no water ponds at any point on the roof and the roof has a slope of less than 0.75 inches per foot, in accordance with 30 TEX. ADMIN. CODE § 290.43.
- g. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.f. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

- 3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written

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approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Sreelin
For the Executive Director

3/11/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Calvin Jones, Jr.
Signature

January 8, 2008
Date

Calvin Jones, Jr.
Name (Printed or typed)
Authorized Representative of
City of Mart

Mayor
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Chengdu